



# Planning and Zoning Commission

Monday, October 18, 2021 at 6:00 pm

**PLEASE SILENCE ALL CELL PHONES AND ELECTRONIC  
DEVICES. THANK YOU**

## 1. Meeting Information

207 Muegge Way, Bennett, CO 80102

For a live stream of the meeting use the information below:

<https://us02web.zoom.us/j/88459496033?pwd=TGh3QVNjcXBIM1Y2bmFSYnJSRUhEQT09>

Meeting ID: 884 5949 6033

Passcode: 850741

One tap mobile  
+13462487799

## 2. Call to Order

Chair

### a. Roll Call

## 3. Approval of Agenda

Chair

## 4. Consent Agenda

Chair

### a. September 20, 2021 - Regular Meeting Minutes

#### Attachments:

- **September 20, 2021 - Regular Meeting Minutes** (September\_20\_\_2021.pdf)

## Public Comments on Items Not on the Agenda

The Planning and Zoning Commission welcomes you. Thank you for joining us for our Town of Bennett Planning and Zoning Meeting. If you are not speaking, we ask that you please mute your microphone. For public comment please sign up on the provided sheet or in the chat box. If you are on the phone, once we get through the sign-up sheet and chat box we will call for any other comments for items not on the agenda.

Your comments will be limited to three (3) minutes. The Commission may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town staff for follow-up. Thank you.

## **Regular Business**

### **5. Planning and Zoning Commission Orientation**

Steve Hebert, Planning and Economic Development Manager

#### **Attachments:**

- **PowerPoint Presentation Planning and Zoning Commission Orientation** (Planning\_and\_Zoning\_Commission\_Orientation\_10\_18\_21\_w\_SAMPLE.pdf)

### **6. Commissioner Comments/Reports**

### **7. Adjournment**

TOWN OF BENNETT, COLORADO  
PLANNING & ZONING COMMISSION  
Regular Meeting  
September 20, 2021

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1. CALL TO ORDER

The Planning & Zoning Commission of the Town of Bennett met in regular session on Monday, September 20, 2021, via hybrid meeting. Co-Chair Martin Metsker called the meeting to order at 6:12 p.m. The following persons were present upon the call of the roll:

Chair: Wayne Clark - *excused*

Commissioners: Gino Childs  
Rachel Connor – *excused*  
James Delaney  
Grider Lee  
Martin Metsker  
Scott Smith - *excused*

Staff Present: Trish Stiles, *Town Administrator*  
Steve Hebert, *Planning and Economic Development Manager*  
Sara Aragon, *Community Development Manager*  
Christina Hart, *Town Clerk*

Public Present: There was no public present.

1. APPROVAL OF AGENDA

COMMISSIONER LEE MOVED, COMMISSIONER DELANEY SECONDED to approve the agenda as presented. Voting was as follows:

YES: Delaney, Lee, Metsker, Childs

NO: None

EXCUSED: Clark, Connor, Smith

Co-Chair Martin Metsker declared the motion carried by unanimous vote.

2. APPROVAL OF CONSENT AGENDA

COMMISSIONER CHILDS MOVED, COMMISSIONER DELANEY SECONDED to approve the consent agenda as presented. Voting was as follows:

YES: Lee, Metsker, Childs, Delaney

NO: None

EXCUSED: Clark, Connor, Smith

Co-Chair Martin Metsker declared the motion carried by unanimous vote.

**Action:** Approval of July 29, 2021 regular meeting minutes

### 3. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

There were no public comments on items not on the agenda presented.

### 4. **REGULAR BUSINESS**

#### **A. Public Hearing(s)**

##### **2021 Comprehensive Plan Update**

##### **Resolution No. 2021-10 - A Resolution Adopting the 2021 Town of Bennett Comprehensive Plan**

Co-Chair Martin Metsker opened the public hearing on the 2021 Comprehensive Land Use Plan at 6:16 p.m., a public hearing on the approval of a Resolution recommending adoption to the Board of Trustees for the 2021 Town of Bennett Comprehensive Land Use Plan.

Town Clerk, Christina Hart, stated for the record the Notice of Public Hearing was posted in accordance with State Statue and published in the Eastern Colorado News, September 3, 2021 and on September 7, 2021 in the I-70 Scout.

Trish Stiles, Town Administrator, presented the 2021 Town of Bennett Comprehensive Plan to the Planning & Zoning Commission.

#### **PUBLIC COMMENTS**

There were no public comments presented.

Co-Chair Martin Metsker closed the public hearing the 2021 Town of Bennett Comprehensive Plan at 6:57 p.m.

COMMISSIONER LEE MOVED, COMMISSIONER CHILDS SECONDED to approve Resolution No. 2021-10 – A resolution adopting the 2021 Town of Bennett Comprehensive Plan. Voting was as follows:

YES: Lee, Metsker, Childs, Delaney

NO: None

EXCUSED: Clark, Connor, Smith

Co-Chair Martin Metsker declared the motion passed unanimously.

#### **COMMISSIONER COMMENTS/REPORTS**

There were no reports from the commissioners.

### 5. **ADJOURNMENT**

COMMISSIONER LEE MOVED, COMMISSIONER DELANEY SECONDED to adjourn the meeting. The Co-Chair declared the motion carried by unanimous vote. The meeting was adjourned at 7:00 p.m.



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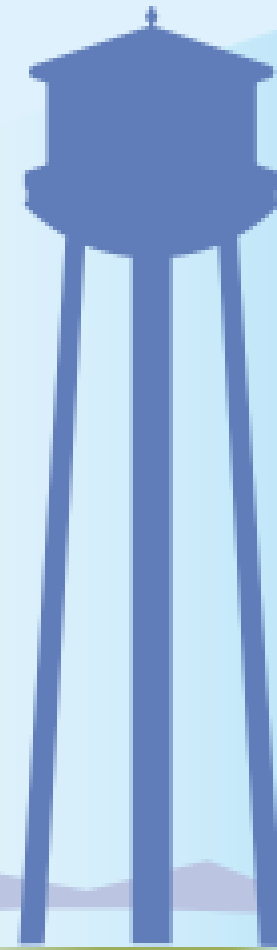
Martin Metkser, Co-Chair

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Christina Hart, Secretary

# Planning and Zoning Commission Orientation

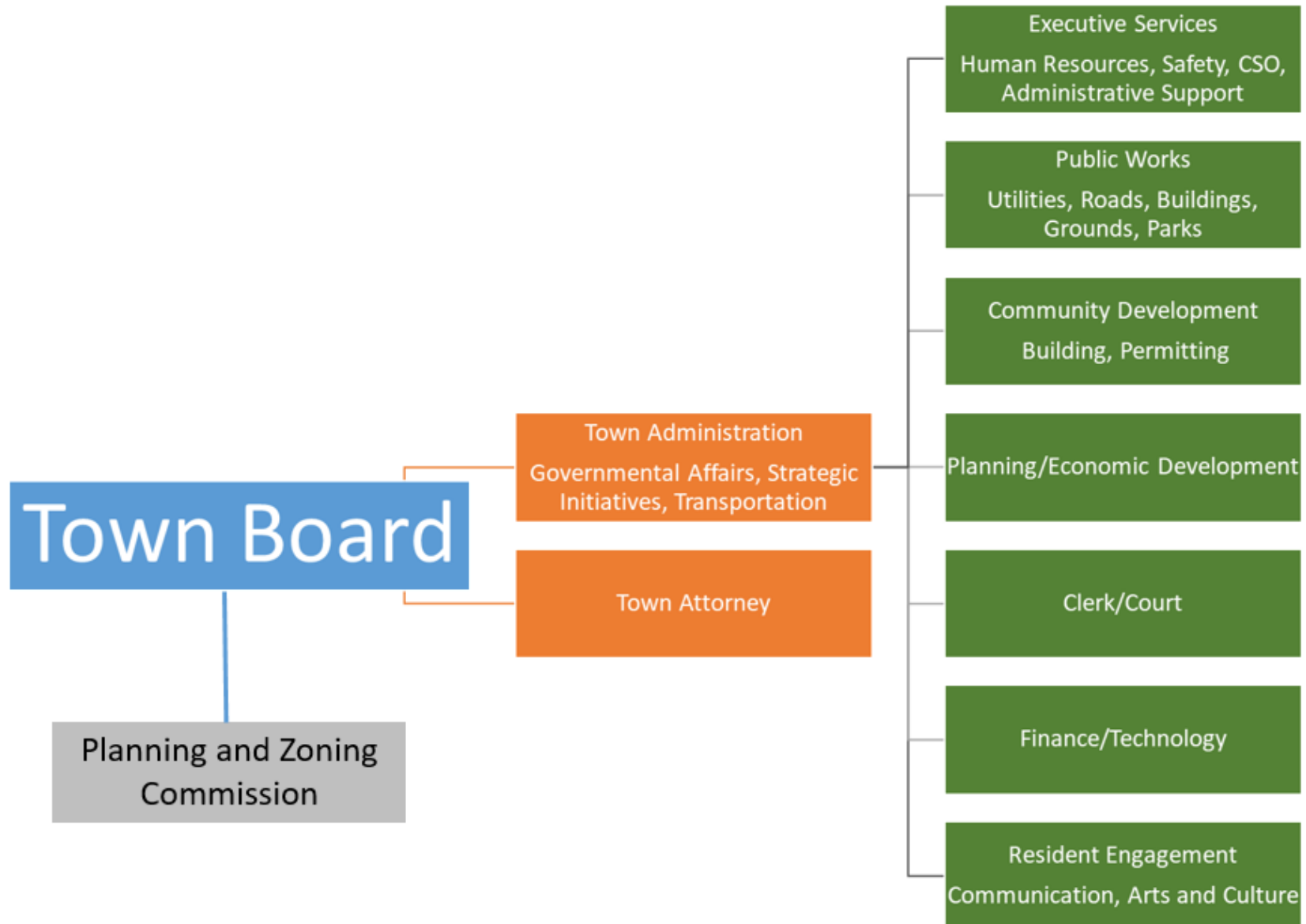
Town of Bennett  
October 18, 2021



# Tonight's Agenda

- Town Organization Chart and How We Work Together
- Why Do We Plan?
- The Tools We Use
- Role of the Planning Commission
- Basic Legal Framework For Town
- Forms of Governmental Action
- Meetings
- C.A.I.M.P. (Capital Asset Inventory Master Plan)
- Questions

# Town Organizational Structure



# How We Work Together

- Generally speaking it is best to communicate with staff through the administrator.
- When communicating, cc the administrator via email or text.
- If by phone, staff and board members both let administrator know for any required assistance and follow up.

# Why Do We Plan?

- To protect the public and preserve quality of life
- To develop community vision and achieve goals
- To protect private property rights
- To encourage/continue economic development
- To facilitate decision-making on land use

# The Tools We Use

Comprehensive Plan

Zoning Code

Subdivision Regulations

Building Code

# The Comprehensive Plan

(See C.R.S. 30-28-106 and 31-23-206.)

- Policy framework that guides our decisions on annexation, zoning, subdivision and other policies, programs and regulations
- Promotes the community's vision, goals and objectives
- Establishes a process for orderly growth and development
- Addresses both current and long-term needs
- Provides for a balance between the natural and built environment



# The Comprehensive Plan

(See C.R.S. 30-28-106 and 31-23-206.)

## 2021 TOWN OF BENNETT COMPREHENSIVE PLAN



### INTRODUCTION

The Town of Bennett, Colorado is a rapidly evolving community on the high plains of Eastern Adams and Arapahoe Counties. Bennett residents enjoy the pleasures of small-town living, clean air, room to breathe and welcoming neighbors. While the Town's incorporated area is currently 5.9 square miles, Bennett is the shopping and service hub for over twenty thousand residents along the eastern Interstate 70 (I-70) corridor. Our residents have a unique mixture of rural and urban highlights, surrounded by ranchland and farmland; but only 25 miles from Denver and the alpine recreation of the Rocky Mountains only an hour's drive away. The major transportation network creates a transportation nexus ideal for influential development and economic vitality.

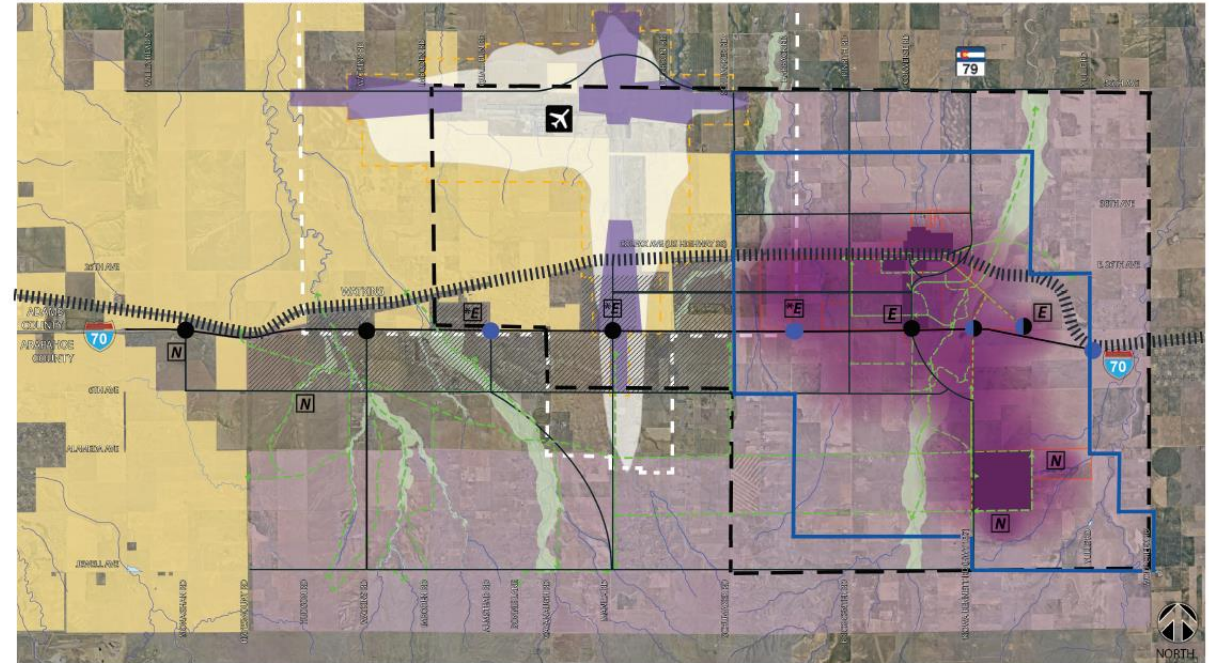
Bennett's community leaders are visionary and willing to take bold steps to secure the Town's future. As the Town continues to attract significant land development interest, it recognizes the guiding principles for public and private land development need to be updated to reflect our community's vision and regional planning interests. In the 2015 Comprehensive Plan, the Town identified a 91.4 square mile "Area of Planning Interest." While this planning area continues to influence what happens in Bennett, this 2021 update redefines the surrounding planning areas. The amended "Area of Planning Influence" is defined as an area that influences the Town's ability to provide services and grow; but, it does not align with annexation interests. More specifically, the Area of Planning Interest includes unincorporated infill properties within Bennett, contiguous properties and properties within a logical service area, ideal for future annexation for the Town. The Area of Planning Interest is further categorized into three focus areas for potential annexation. The areas are number based on the continuity for infrastructure, resources and services for the community. Each area describes the Town's primary vision for key expansion and includes specific goals and policies that will guide future planning and development in these areas. The Area of Planning Interest reflects a 30.2 square mile area for likely near-term development.

Bennett's plans for growth are matched by its objective to effectively master plan infrastructure and introduce a portfolio of water resources, including renewable and reuse water supplies. The prospect for expansion associated with the Town's recently adopted Capital Asset Inventory Master Plan is a fundamental tenet of this comprehensive plan.

Bennett is committed to responsible planned development; economic vitality; high-quality public services, resilient infrastructure, programs and policies; and the continued expansion of a healthy community. The 2021 Town of Bennett Comprehensive Plan is a focused update of the Town's 2012 and 2015 Comprehensive Plans. The updated 2021 Comprehensive Plan process involved master planning and public engagement efforts, including:

- The recently modernized Town of Bennett website, providing a page dedicated to master planning and guiding documents for public transparency.
- An update to the Town's social media and public information approach to provide details on upcoming meetings, meeting summaries, draft documents, and public comment forums.
- Adoption of the Capital Asset Inventory Master Plan (CAIMP), which lays the groundwork for the supporting infrastructure and resiliency of our community.
- In-person Engage.Shape.Build public forums with one-on-one conversations, educational presentations and community input boards.
- Adams County, Arapahoe County and Colorado Air and Space Port master planning efforts.
- Work sessions with the Adams County and Arapahoe County planning staff, the Bennett Planning Commission and Town Board.
- Public hearings before the Bennett Planning Commission and Town Board.

### PREFERRED PLANNING PRINCIPLES MAP



#### Legend

Area of Planning Interest	Colorado Air and Space Port	Freeway	Established Municipal Area
Area of Planning Influence	Airport Influence Zone	State Highway	Developing Municipal Area
Town of Bennett	Airport Restriction Area #1	Union Pacific Railroad	Rural/Rural Preservation
City of Aurora	Airport Restriction Area #2	Existing Interchange	Natural Resource Area
Aurora Strategic Area	55 DNL Noise Contour	Proposed Interchange	Employment Center * Subject to Airport Influence Zone restrictions
			Neighborhood Center
			Proposed Arterial
			Proposed Regional Trail

# Guiding Principles

1. A comprehensive, safe and efficient transportation system
2. Develop neighborhoods that have a mix of land uses and
3. Development of a Town Center in the heart of Bennett
4. Encourage a high-quality and diverse mix of housing, available to people of different backgrounds, income, age, abilities and all phases of life.
5. Commit to being good partners with other community agencies and organizations
6. Foster an attractive community

# Guiding Principles

7. Preserve and protect natural open space and other areas that have environmental significance
8. Value the development of a healthy community
9. Be resilient by providing a framework to understand and measure its capacity to endure, adapt and transform
10. Design new developments in a manner to blend with the rural setting
11. Contiguous land development pattern that promotes connected infrastructure and services
12. Land and infrastructure development decisions will be predictable and provide equitable cost-sharing

# Zoning

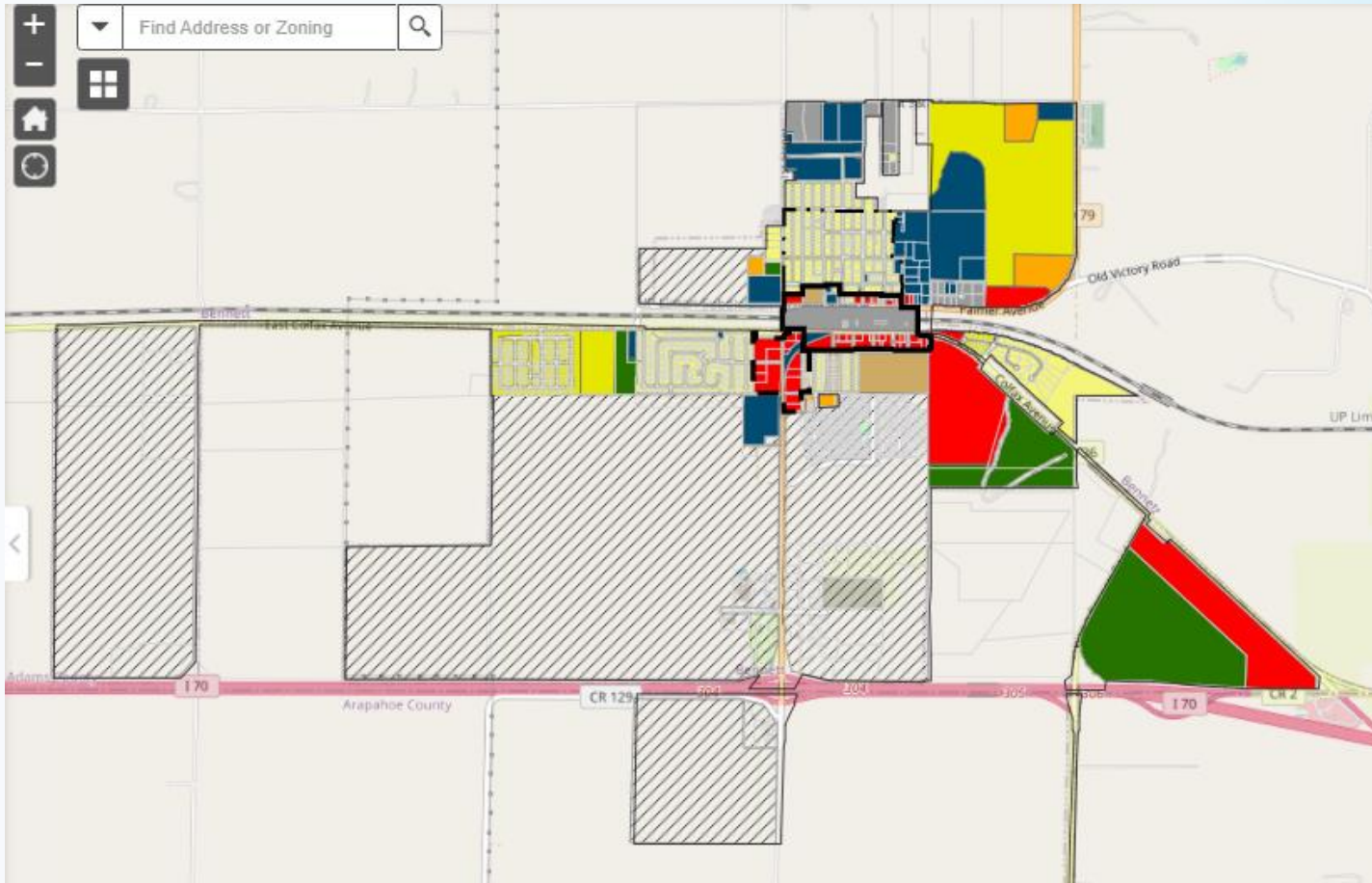
- Zoning is generally defined as the division of an area into zones or districts to facilitate regulation of land use, buildings, and other improvements
- The general purpose of zoning is to regulate uses of land and the physical improvements to land in the interest of the public welfare, without imposing undue burdens on landowners.

# The Zoning Code

- Regulates permitted uses – what can you do where?
- Sets maximum building height and building setbacks
- Requires Site Plans and Final Development Plans
- Design Guidelines
- Conditional Uses
- Variances
- Code Enforcement

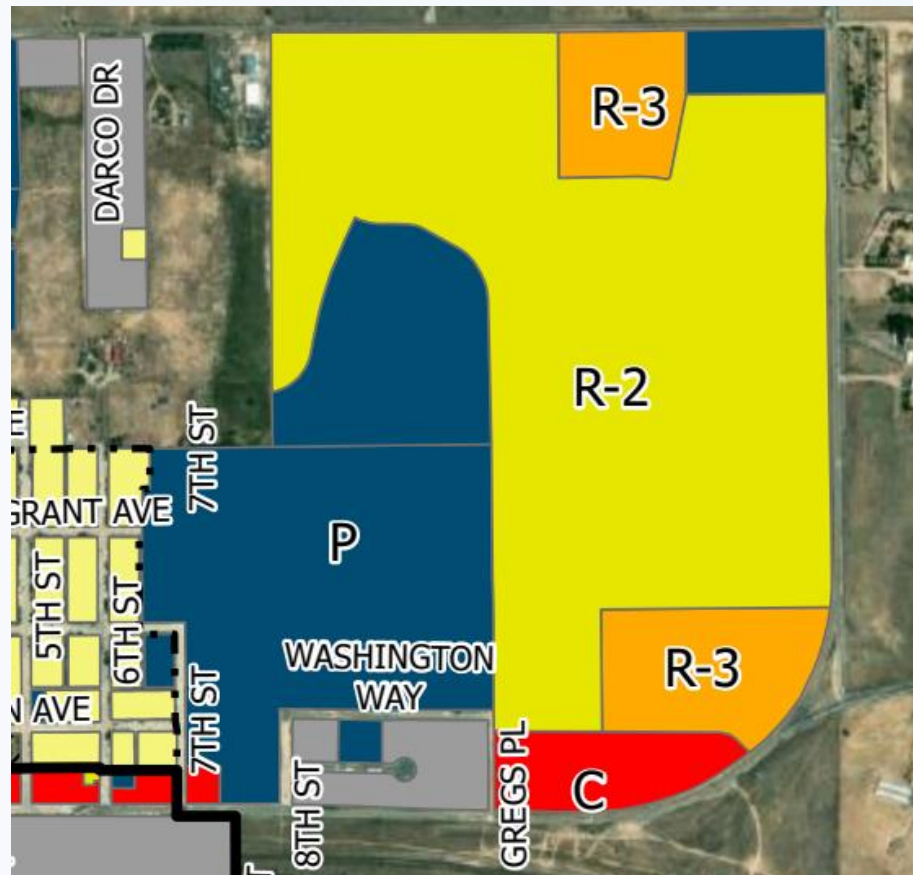


# Zoning Map

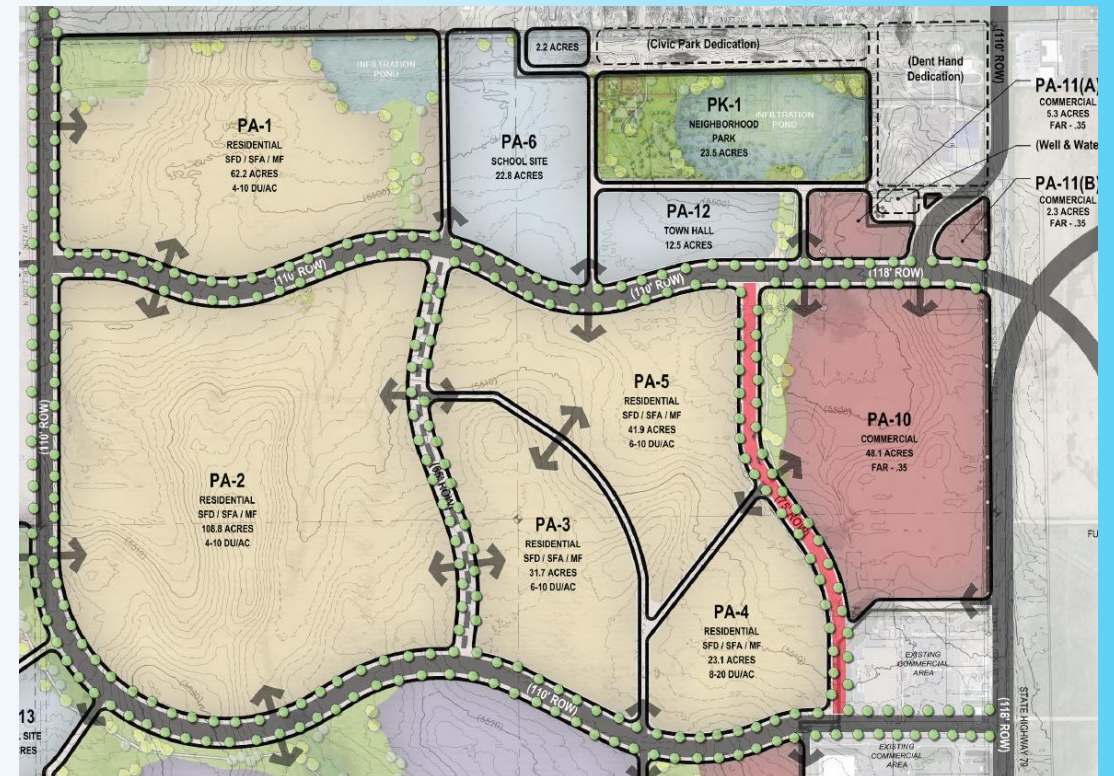


# Standard Zoning and Planned Development (PD)

## Standard



## Planned Development

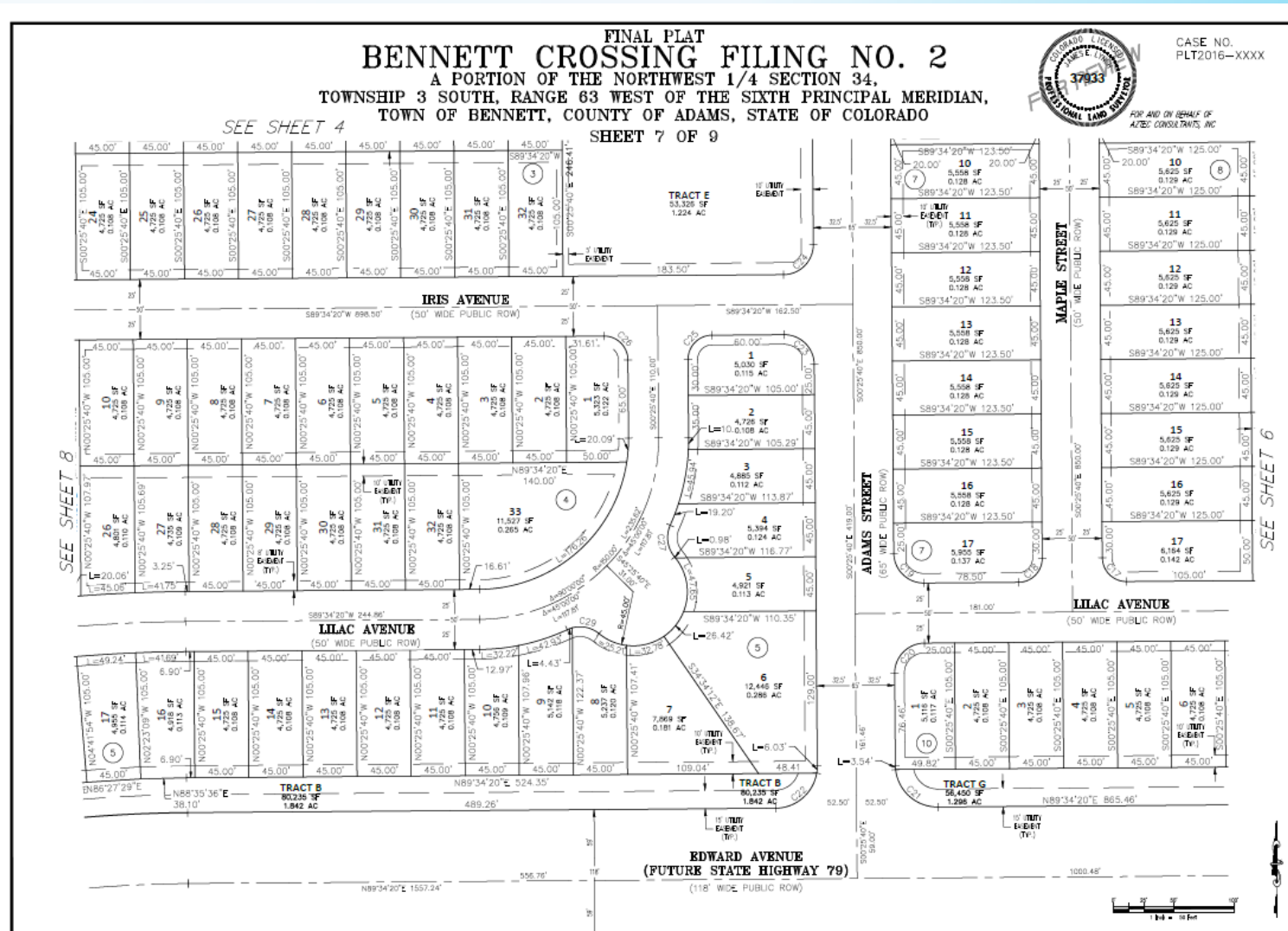


# Subdivision Regulations

- Subdivision is the process by which land is divided or combined into parcels appropriate for development.
- A subdivision plat is a map showing how a given parcel of property is to be divided into lots and blocks (or sometimes plots) and identifying streets, easements, and other lands intended to be dedicated to public use.
- One of the principal interests is the dedication of land for public use. Public use dedications made by subdivision plats normally include streets, parks, school sites, and easements for public utilities.



# A Final Plat Document



# Development Review Committee

Meets Every Wednesday to Assist Applicants  
with Their Plans

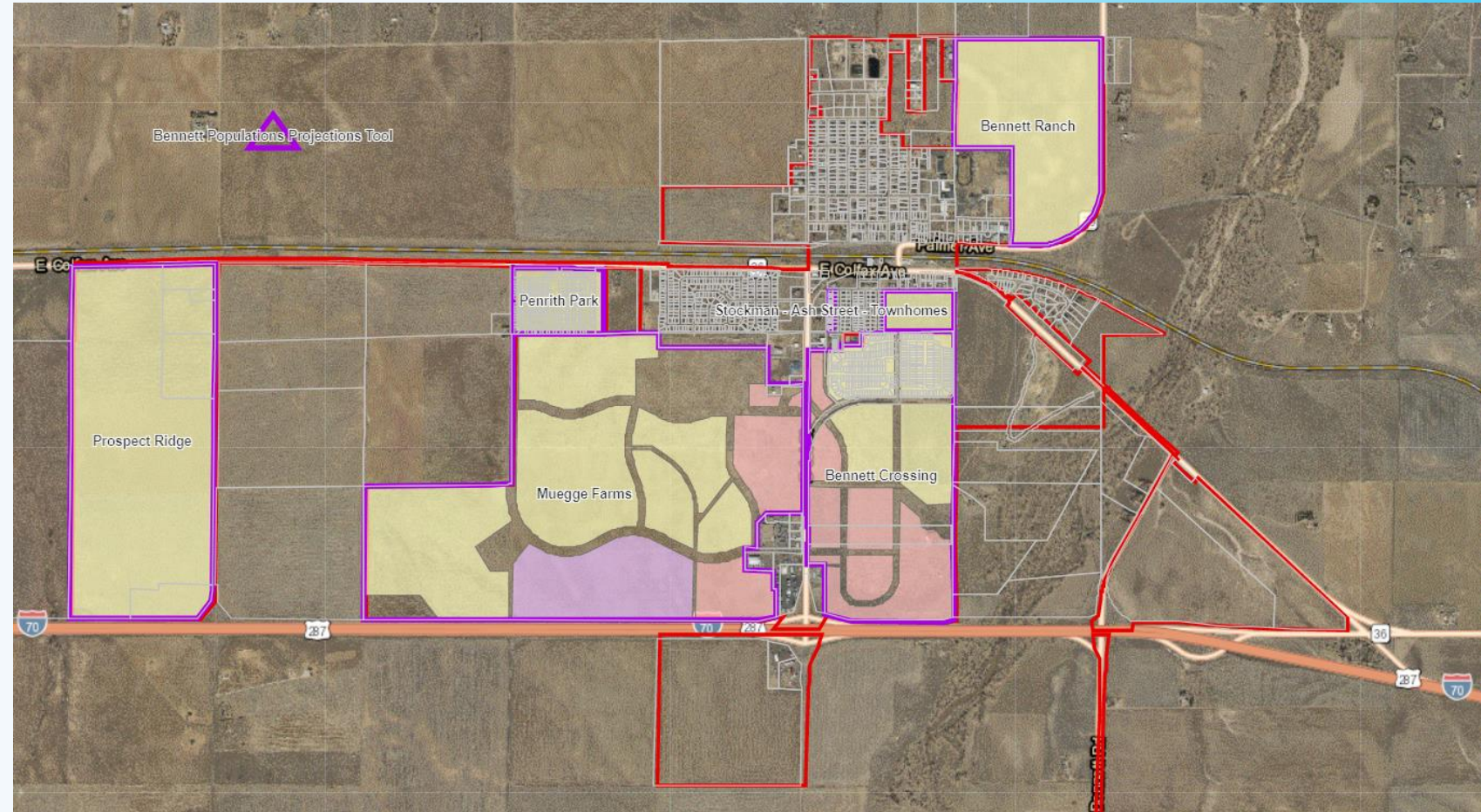
- Town Administration
- Planning
- Economic Development
- Public Works
- Town Engineer
- Town Traffic Engineer
- Bennett-Watkins Fire Rescue
- Colorado Natural Gas
- CORE Electric Cooperative (IREA)
- Bennett School District

# What is the role of the Commission?

- Review and make recommendations to the Board of Trustees
  - Comprehensive Plan
  - Zoning and Rezoning Applications
  - Subdivision Plats
  - Consider staff report, staff recommendations and public testimony, including the applicant and the public

# Town of Bennett Major Projects

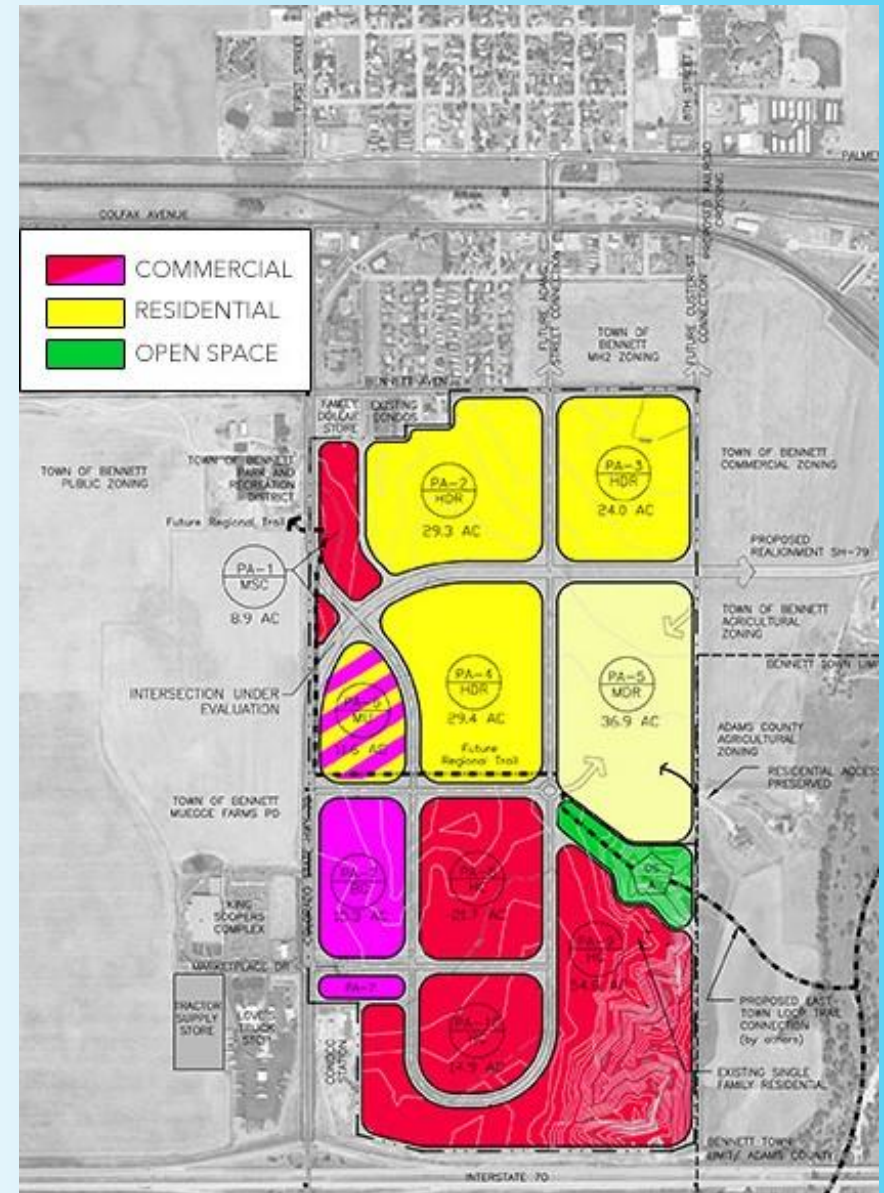
- 1,650 acres zoned
  - Residential
  - Retail
  - Office
  - Industrial





# Bennett Crossing

- 293 Acres
- 120 Acres Residential
  - LGI Single-family sold out
- 116 Acres Commercial
- CORE Electric Cooperative (IREA)
- Comfort Inn
- FNB Bank



# Bennett Ranch

- 173 acres
- Zoned for 623 Residential Units
  - Single-family Detached
  - Single-family Attached
- 6 acres Commercial
- 145 lots approved in Jan. 2020
- Site development in 2021
- Home occupied in 2022



# Muegge Farms

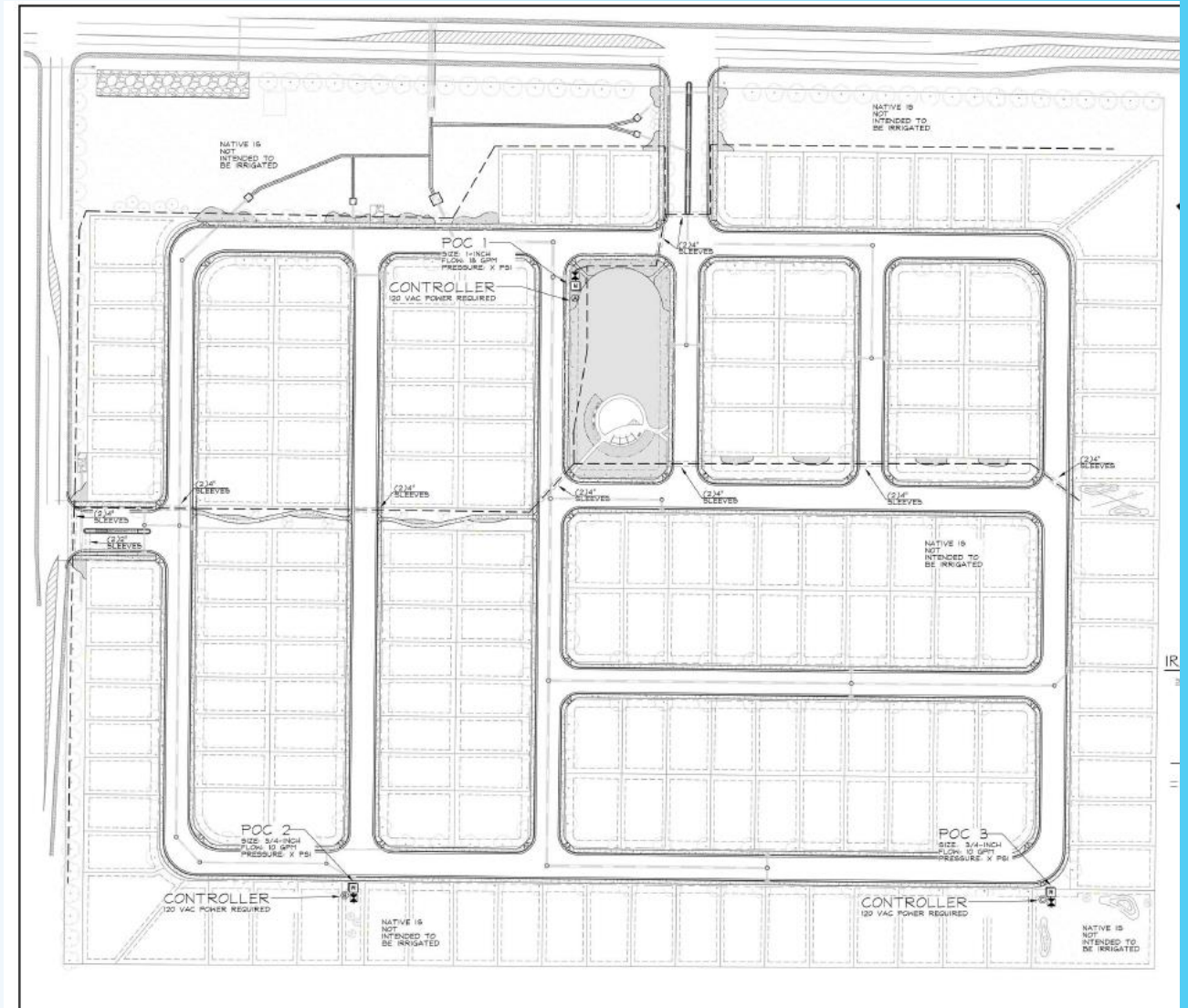
- Approx. 700 ac.
- 391 ac. Residential
  - Zoned for 2,800 homes
  - Oakwood Homes 366 homes in 2021(est.)
- 190 ac. Commercial
  - King Soopers
  - Love's
  - Tractor Supply
- Municipal Center





# SkyView - D.R. Horton

- 40 acres
- Colfax & Penrith Rd.
- 175 Single-family detached homes
- Construction in 2020





# Forms of Government Action

- Legislative
- Administrative
- Quasi-Judicial

# Legislative Actions

- Forward Looking
- Generally Applicable and Affects a Large Group of Persons and/or Property
- Reflective of General Policy
- Legislation can be created by ordinance, resolution or motion; Planning Commission makes recommendations by resolution

# Administrative Actions

- Execution of policies set forth in legislative actions
- Examples:
  - granting of easements
  - dealing with utilities and services issues
  - spending items

# Quasi-Judicial Actions

- Generally involves a determination of the rights, duties or obligations of a specific individual or entity
- Decisions are based on facts developed at a hearing
- Usually based on the application of presently existing legal standards or policy considerations to the facts

# Quasi-Judicial Actions - Examples

- Land use applications, such as zoning, rezoning, subdivision plats
- Variances (Board of Adjustment)

# Quasi-Judicial Actions

- For quasi-judicial actions, you are essentially a “judge,” and your obligation is to provide a fair hearing that provides due process.
- This means, keep the “judge” frame of mind when processing and conducting yourself in a quasi-judicial matter; this includes:
  - Be impartial; don’t make up your mind before the hearing
  - Don’t discuss the matter outside of the hearing (would a judge do that?)
  - Don’t participate if you have a conflict of interest
  - Discuss and make your decision based on the adopted criteria
  - Don’t sign any “pro” or “con” petitions

# Open Meetings

- Colorado Open Meetings Law:
  - “It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret.”
  - All meetings of governing body, or board or committee at which public business will be discussed must be:
    - Open to the public
    - Held only after full and timely public notice

# Open Meeting Rules

- Full and timely public notice” means at least 24 hours public posting
- Law applies any time there are 3 or more members of the Board (or in the case of a smaller committee, 3 members or a quorum thereof) where public business is discussed or formal action is taken
- Does not apply to a chance social gathering



# Open Meeting Rules – Email/Social Media

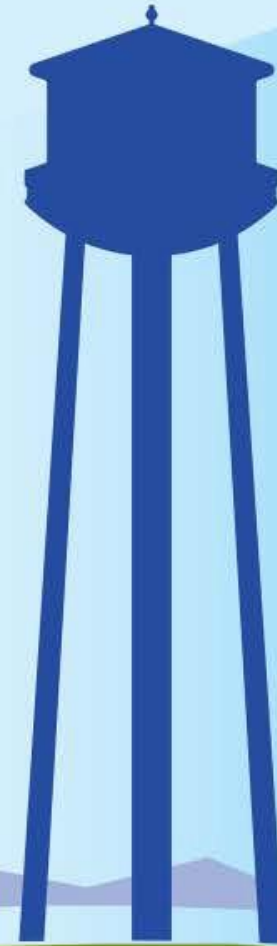
- A meeting includes “any kind of gathering convened to discuss public business, in person, by telephone, electronically, or by other means of communication”
- If public officials use e-mail/social media to discuss pending legislation or other public business among themselves, the e-mail is subject to the requirements of the Open Meetings Law
- To avoid these issues:
  - Conduct and discuss public business at duly-called and noticed regular and special meetings
  - If e-mail/social media is used, limit its use to between two Board members, or otherwise establish an open e-mail system which is readily accessible
- E-mail carries the risk of unintended “discussion” of public business. Though an e-mail may be sent from only one Board member to another, the sender cannot be certain that it will not be forwarded

# Case No. 21.01 and 21.04 300 Bennett Avenue Zoning and Sketch Plan

Town of Bennett  
Planning and Zoning Commission

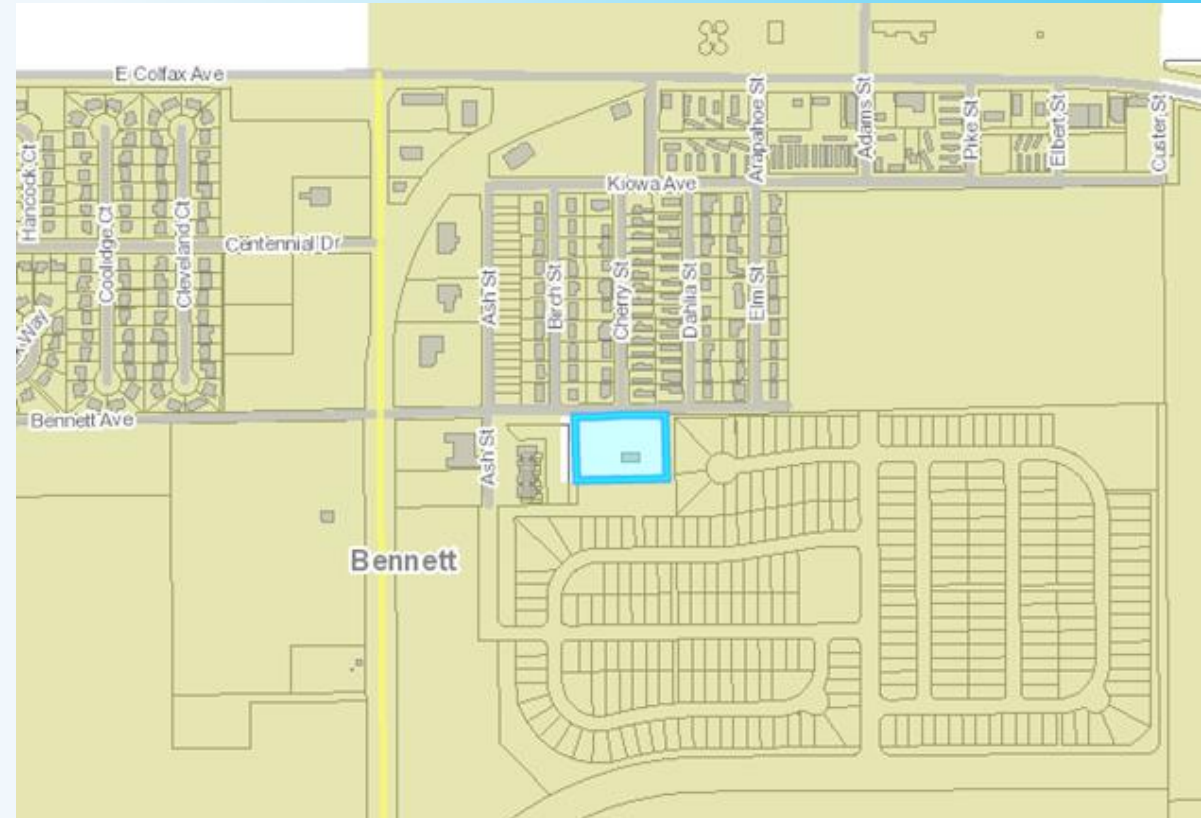
February 22, 2021

Steve Hebert, Planning & Economic Development Manager

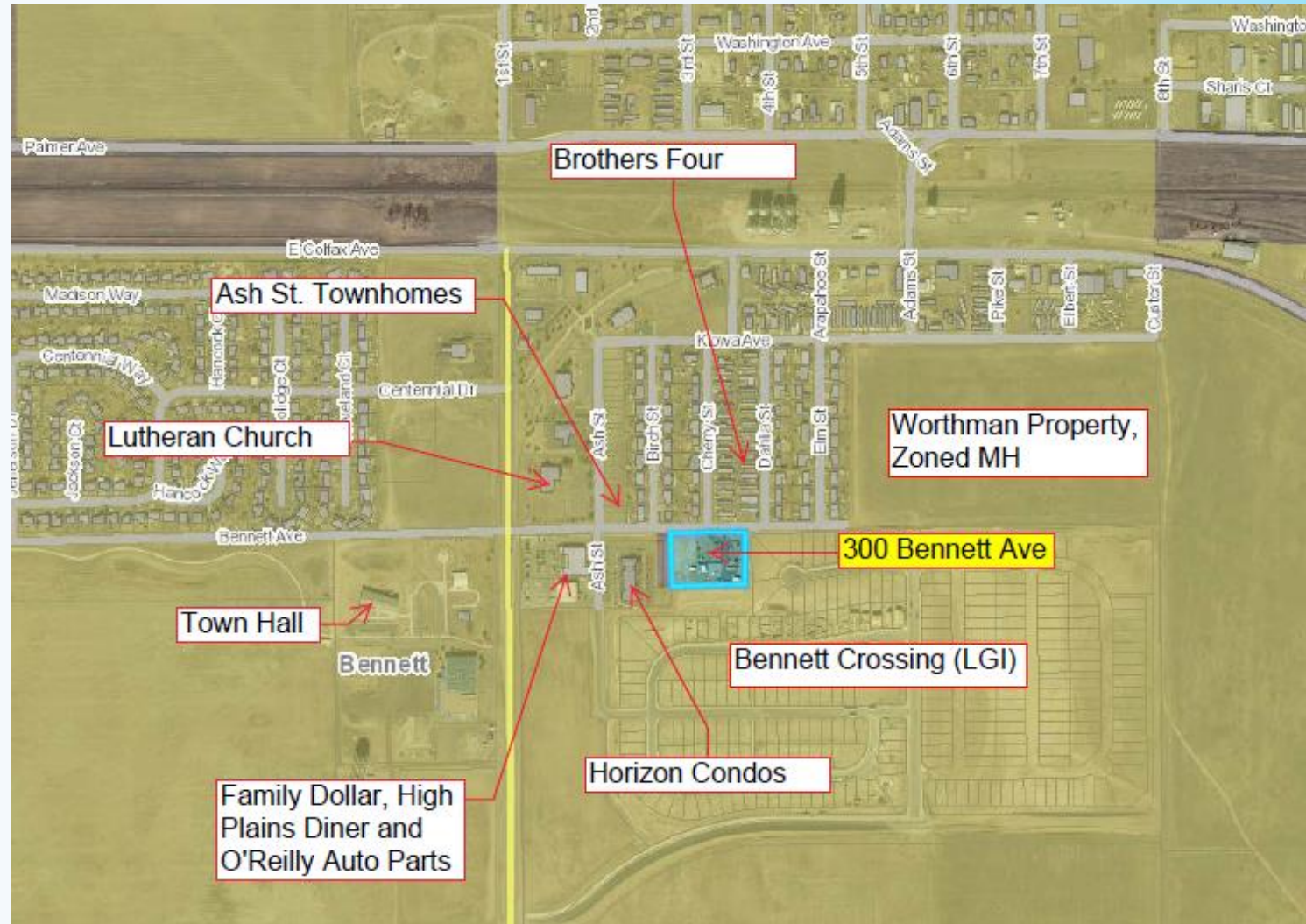


# 300 Bennett Ave Zoning & Sketch Plan

- 1.5 acres zoned A-3 in unincorporated Adams County prior to annexation in 2020
- Proposal for R-3-High Density Residential Zoning
- Sketch Plan for 20 Townhome Lots



# 300 Bennett Ave. Relative to General Area





View Looking Southeasterly  
from Bennett Avenue



Looking South  
from Bennett Avenue



East Side View Along LGI Trail



Looking Northwesternly





# Looking Easterly from Horizon Condominiums

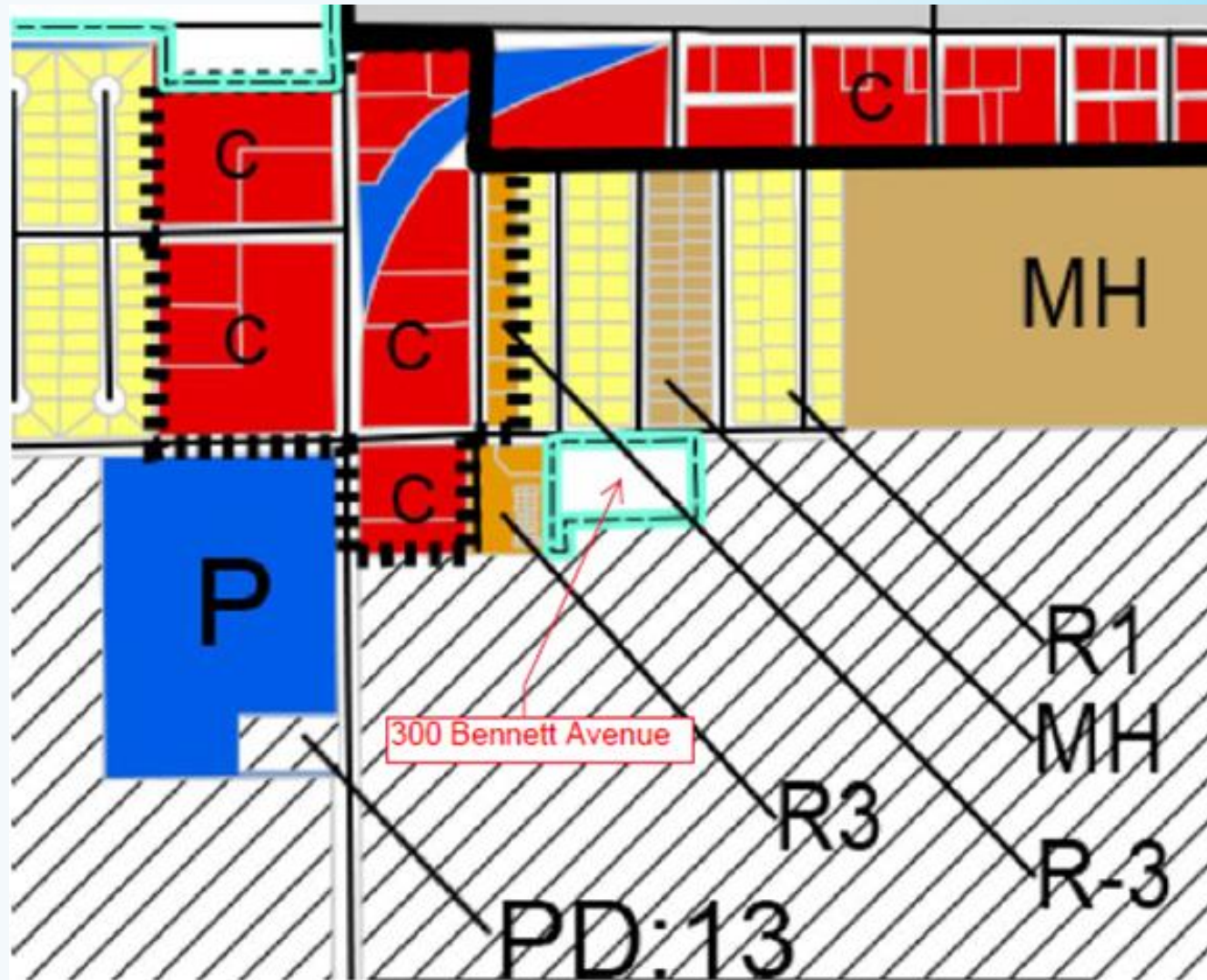


# Surrounding Zoning and Land Use

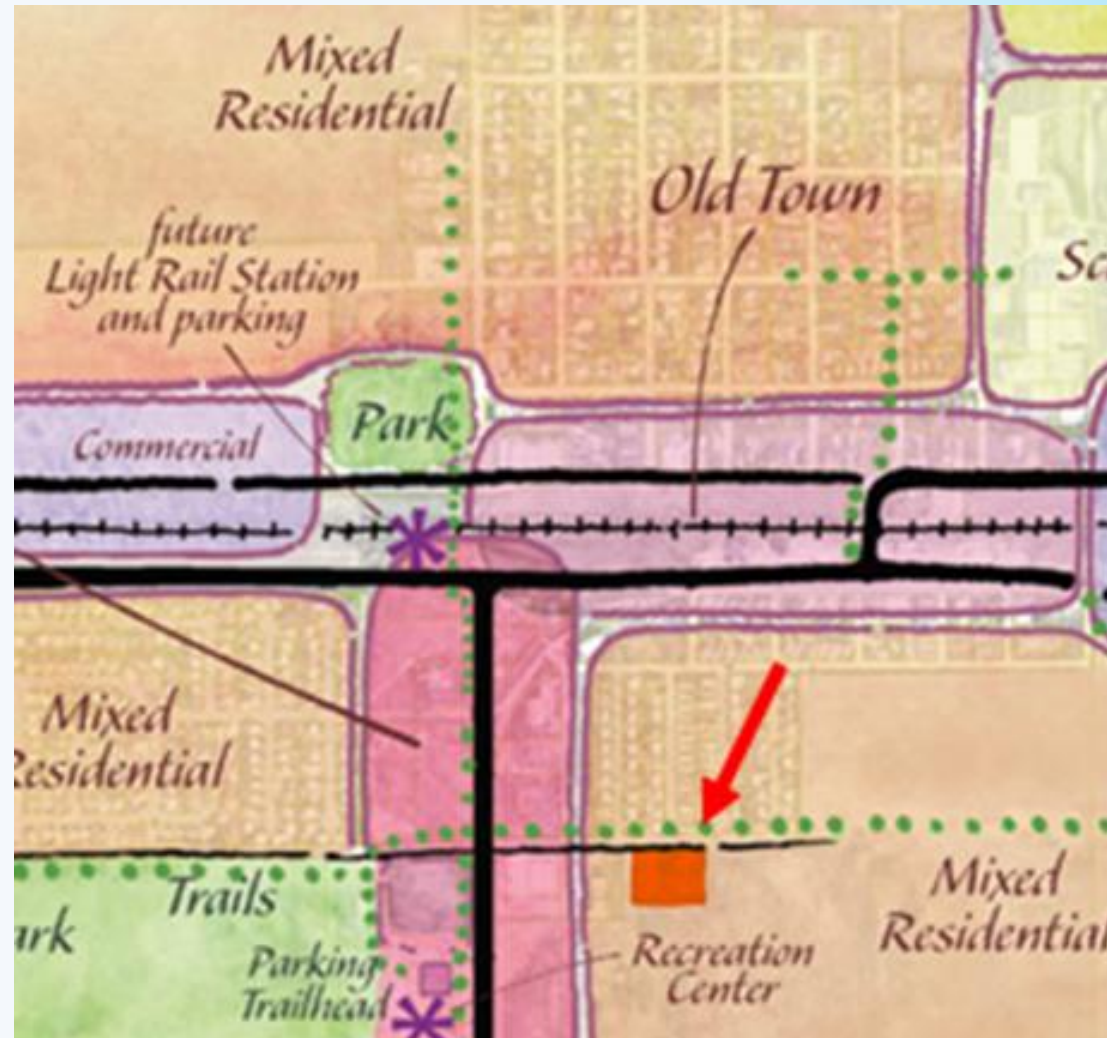
Direction	Adjacent Zone District	Land Use
North	R-1 (Low Density Resid.) and MH (Mobile Home)	Residential - Brothers Four
East	PD – Planned Development	Residential, Bennett Crossing (LGI)
South	PD – Planned Development	Residential, Bennett Crossing (LGI)
West	R-3 – High Density Residential	Horizon Condominiums



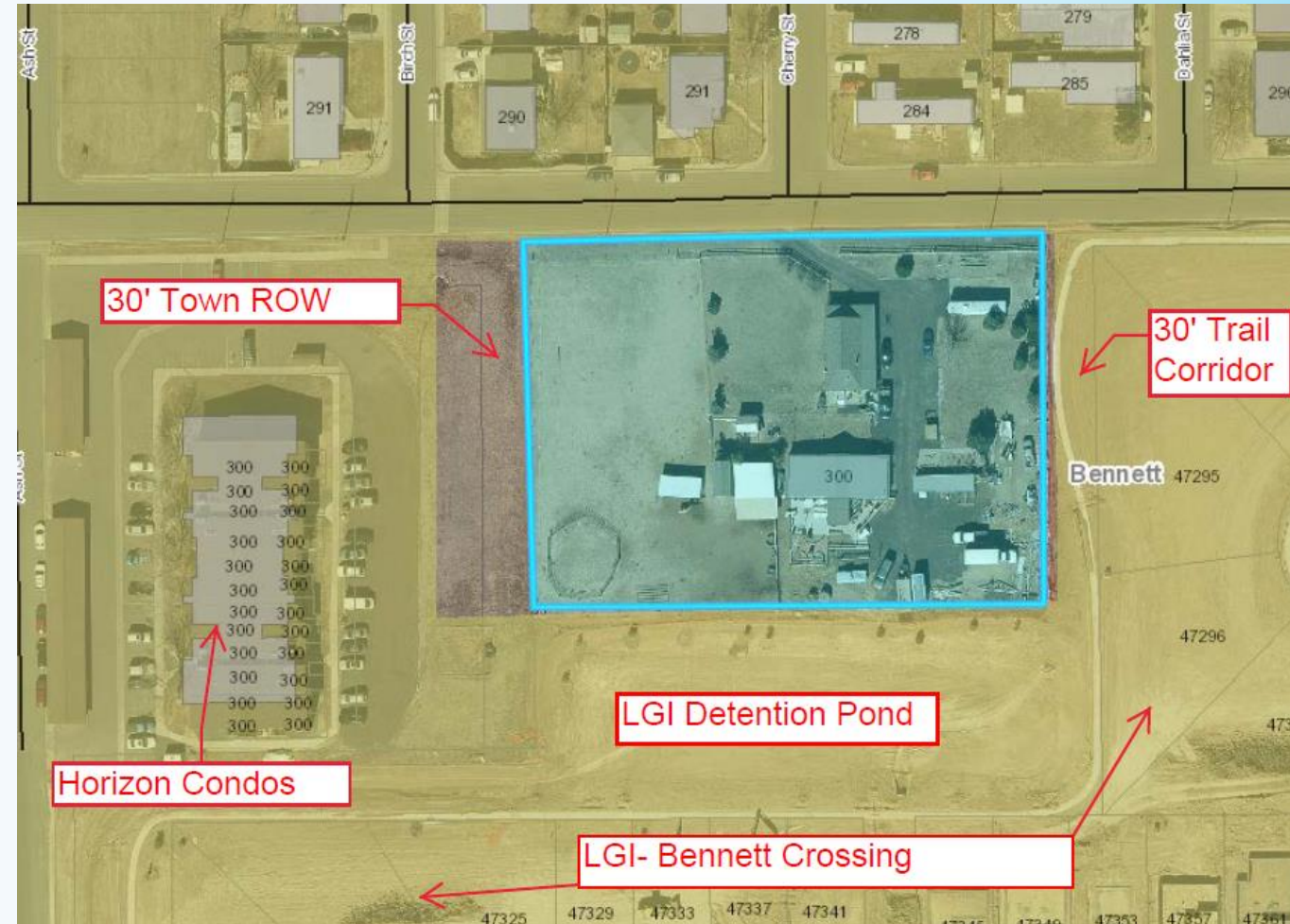
# Bennett Zoning Map



# Comprehensive Plan Mixed Residential Area



# 300 Bennett Avenue Relative to Adjacent Properties





# Availability of Public Infrastructure

- Access – Bennett Avenue
- Water – Town of Bennett
- Sewer – Town of Bennett
- Stormwater – Town of Bennett
- Fire Protection – Bennett Watkins Fire Rescue
- Law Enforcement – Adams County Sheriff
- Electricity – IREA
- Natural Gas – Colorado Natural Gas
- Telecom – Eastern Slope Technologies

## Staff Findings on Case No. 21.01

Staff finds the proposed zoning is consistent with the purpose of the Bennett Land Use Code, outlined in Section 16-1-50, including to:

- Maintain and enhance a quality residential environment in the Town
- Provide a diversity of housing types at various densities
- Promote logical extensions of and efficient use of the Town's infrastructure

# Staff Findings on Case No. 21.01

Staff also finds the proposed rezoning is consistent with, or will promote, the goals and policies of the Town of Bennett 2016 Comprehensive Plan as required by Sections 16-1-90 and 16-2-360 of the Bennett Land Use Code, including:

- Develop town and neighborhood centers with mixed land use and greater land density to shorten distances between homes, workplaces, schools, shopping, places of worship, cultural facilities, and recreation and social activities
- Provide a diversity of housing types at various densities
- The property lies within the Tier One Area for preferred development
- The Comprehensive Plan promotes a mix of uses that can be compatible with surrounding properties

## Staff Recommendation for Case No. 21.01

Staff recommends the Planning and Zoning Commission recommend to the Board of Trustees approval of Case No. 21.01

# Open Records

- Public Records Subject to Disclosure Include the Correspondence of Elected Officials Unless it is:
  - Work product
  - Unrelated to public duties/public funds
  - From a constituent and clearly confidential
  - Otherwise protected by state or federal law



# Open Records – Some Pointers

- Don't become an inadvertent custodian of public records; for e-mails, copy the appropriate staff person
- Don't mix your private documents with records or information obtained as a public official
- Don't write an e-mail concerning public business that you would not want to see (i) disclosed in an open records request; (ii) produced in a lawsuit; or (iii) published in the paper
- Do not share with third-parties any confidential documents you receive as a public official

# Public Records Requests and Colorado Sunshine Law

- Public records shall be open for inspection and under normal circumstances, be processed within 3 business days of the date requested in accordance with the Colorado Open Records Law.
  - [Request for Public Records, 2020.pdf](#)
- Colorado Sunshine Law
  - The law states two or more members of any state public body where any public business is discussed must be open to the public. A gathering of a quorum or three or more individuals of a local body constitutes a meeting.

# Acronyms

- So many acronyms around here!
- ACREP - Adams County Regional Economic Partnership
- ADCO - Adams County
- ADCOG - Adams County Transportation Forum
- CIRSA - Colorado Intergovernmental Risk Sharing Agency
- DRCOG - Denver Regional Council of Governments
- [Acronym Cheat Sheet](#)

# Engaging With Residents

- Good to go: Policy, Information and Designated Areas of Responsibility
- Pass: Problems with Promises, Bills, Tickets, Litigation and Personnel

# Communications and the Media

- Alison Belcher, Communications Coordinator
- News Media Interviews, Town Administrator

# Capital Asset Inventory Master Plan C.A.I.M.P

Rachel Summers,  
Deputy Town Administrator

# C.A.I.M.P - GOALS

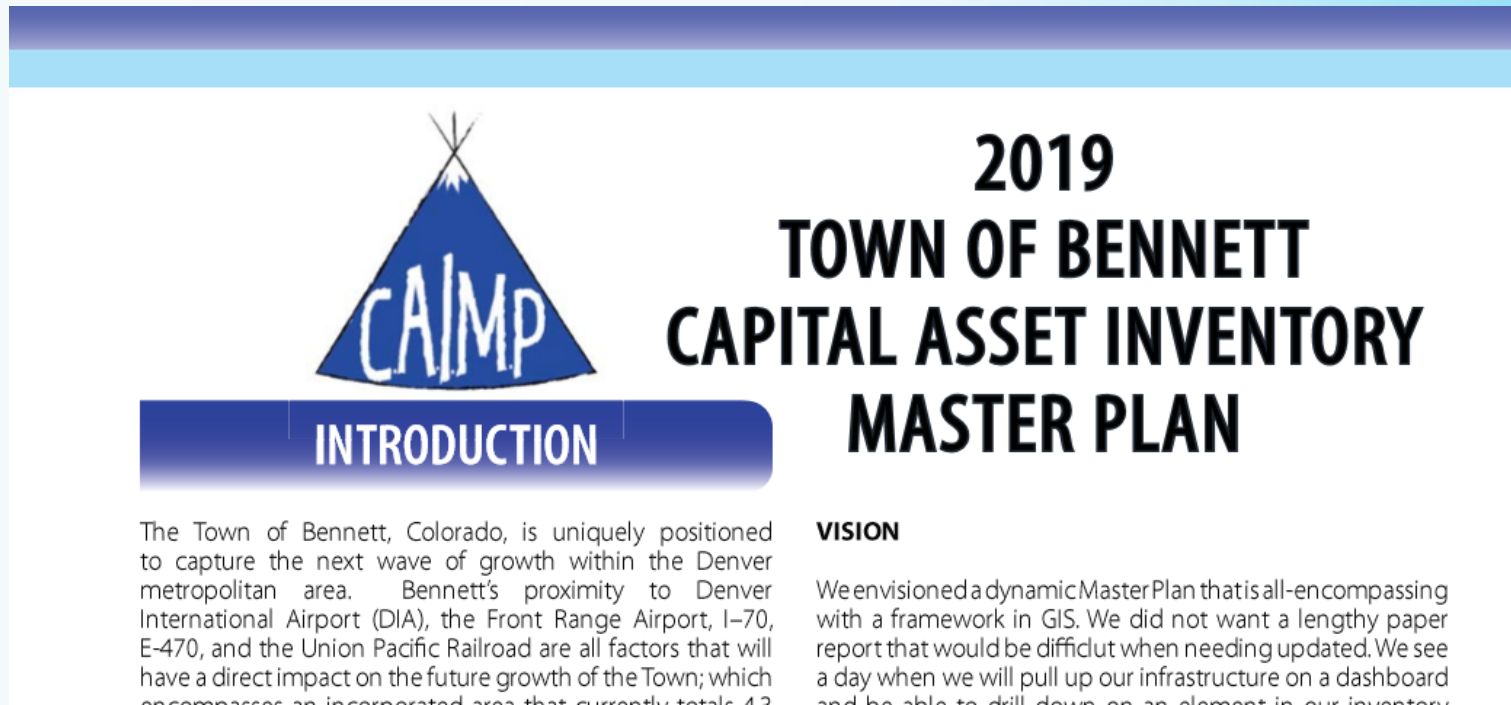
*"We envision a dynamic Master Plan that is all encompassing with a framework in GIS. We do not want a report cluttering up our shelves. We see a day when we will pull up our infrastructure on a dashboard and be able to drill down on an element in our inventory to get details of planning recommendations, resource and training items, budgeting, action items, summaries of O&M and have it be graphical" - November 2018*

- GIS Framework
- Asset Inventory
- Growth & Planning
- Capital Improvement & Replacement



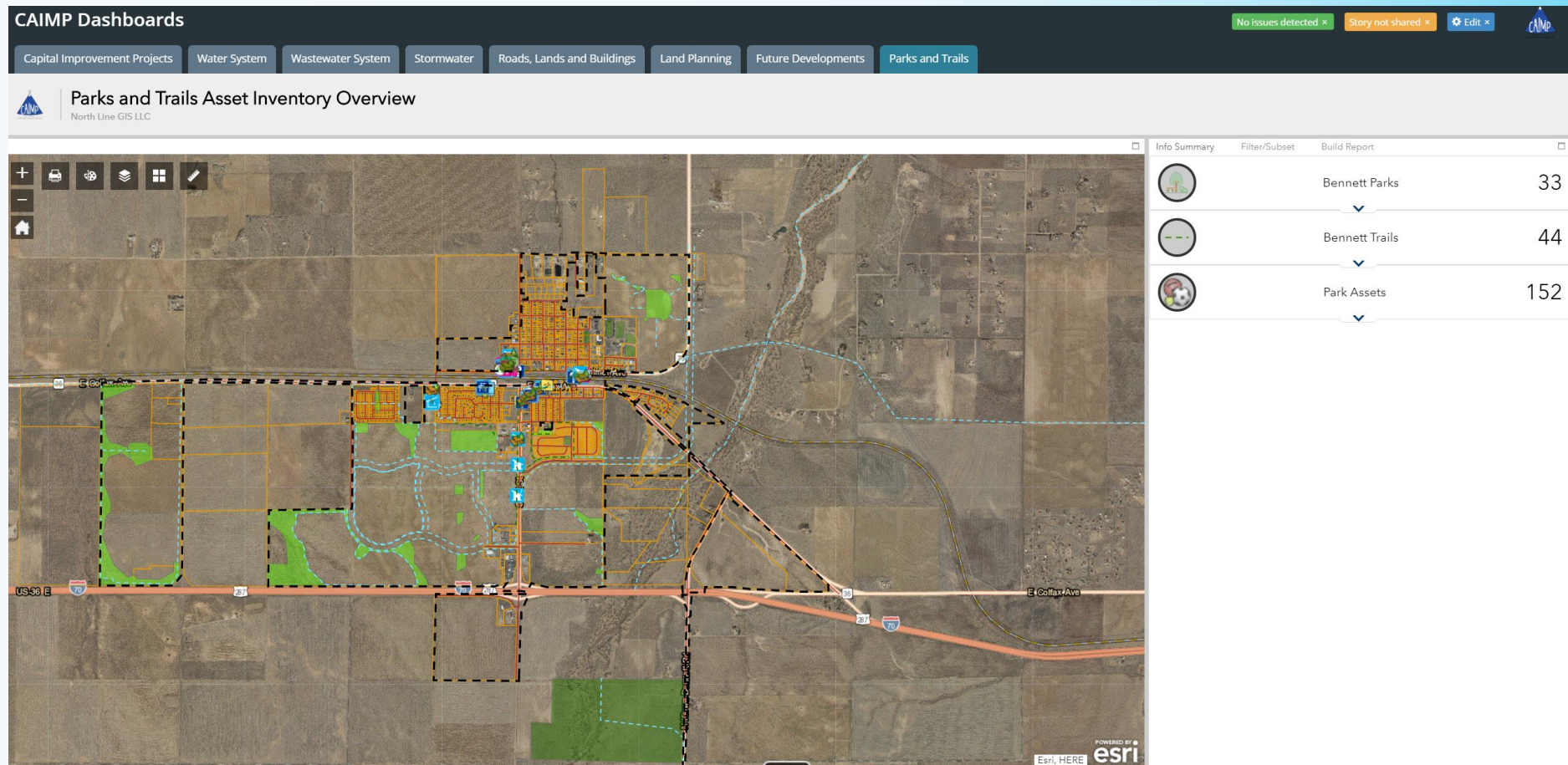
# FINAL REPORT

In November of 2019, the Town of Bennett Board of Trustees adopted an ordinance approving the C.A.I.M.P. as the guiding principle for which infrastructure will be reviewed, planned, designed and constructed.



# DASHBOARD

Town of Bennett Capital Asset Inventory and Master Planning (C.A.I.M.P) dashboard is a dynamic and flexible system within ArcGIS.



# Water Supply

Gina Burke, Hydrologist

Jehn Water

Ground  
Water



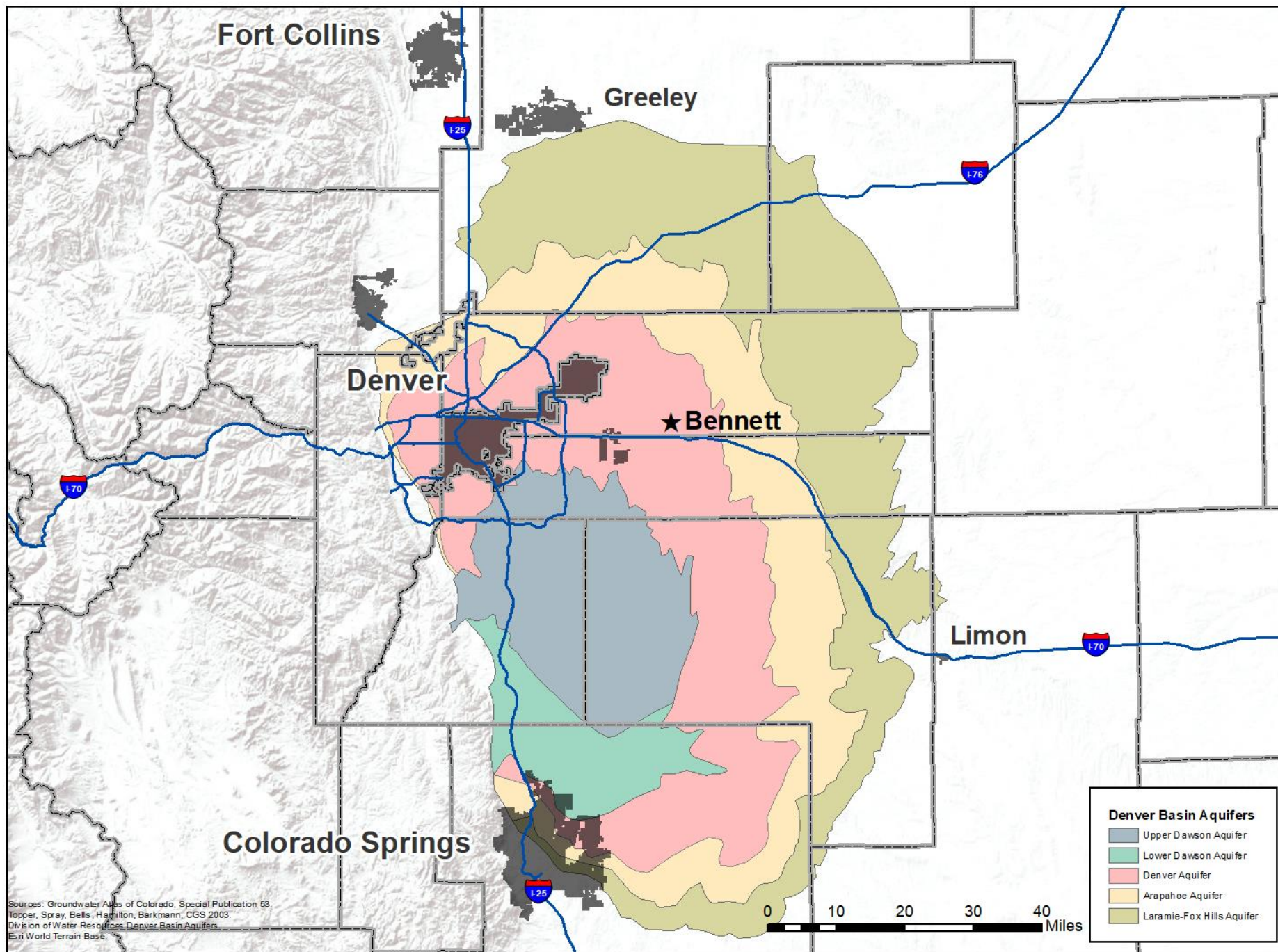
Renewable



Re-Use







**A - WEST**

Meters

2000

1500

1000

**DENVER**

Watkins

Bennett

Denver Formation

Arapahoe Formation

Laramie Formation

Fox Hills Sandstone

Pierre Shale

Vertical Exaggeration Approximately x32

**A' - EAST**

Feet

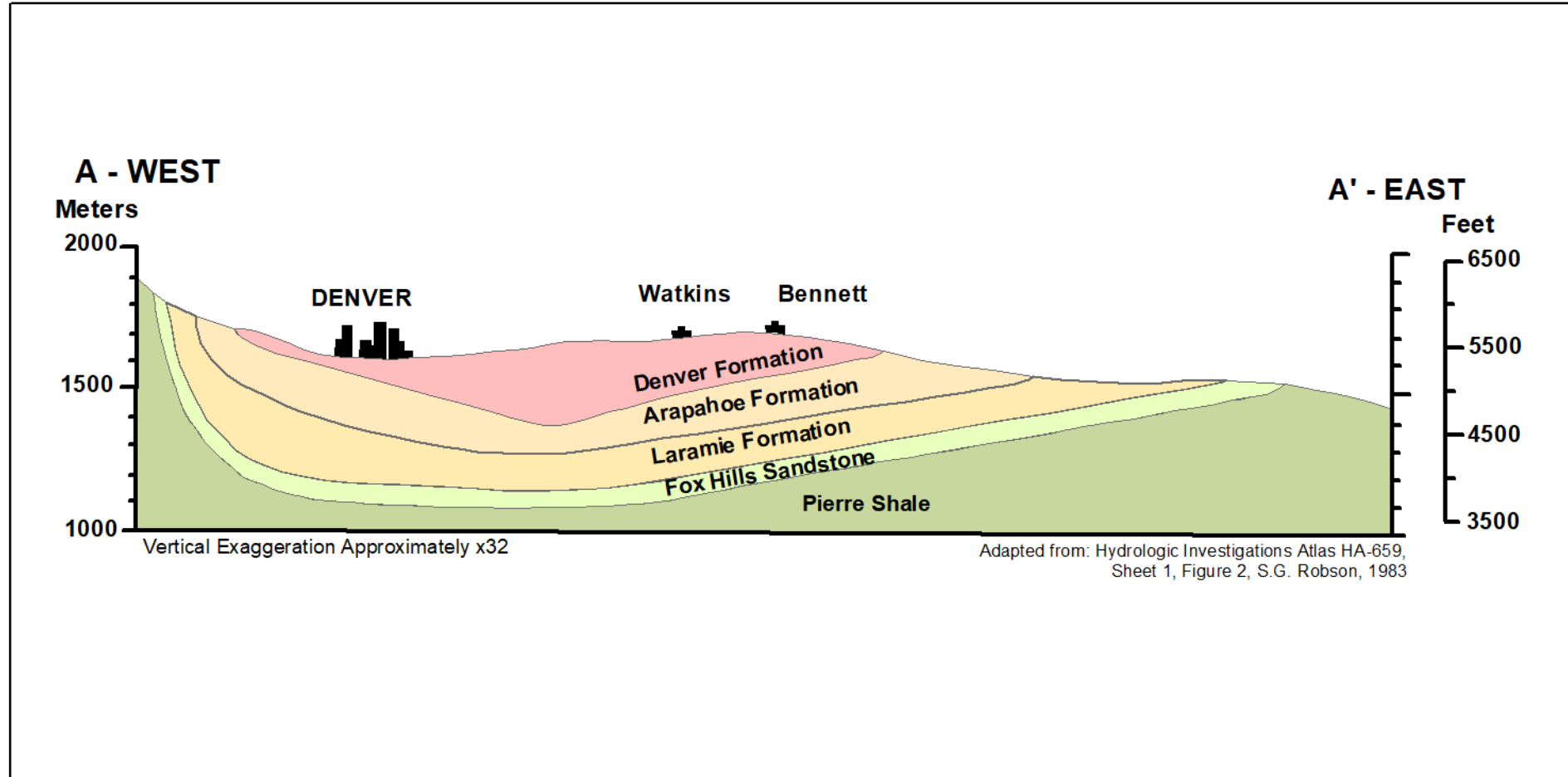
6500

5500

4500

3500

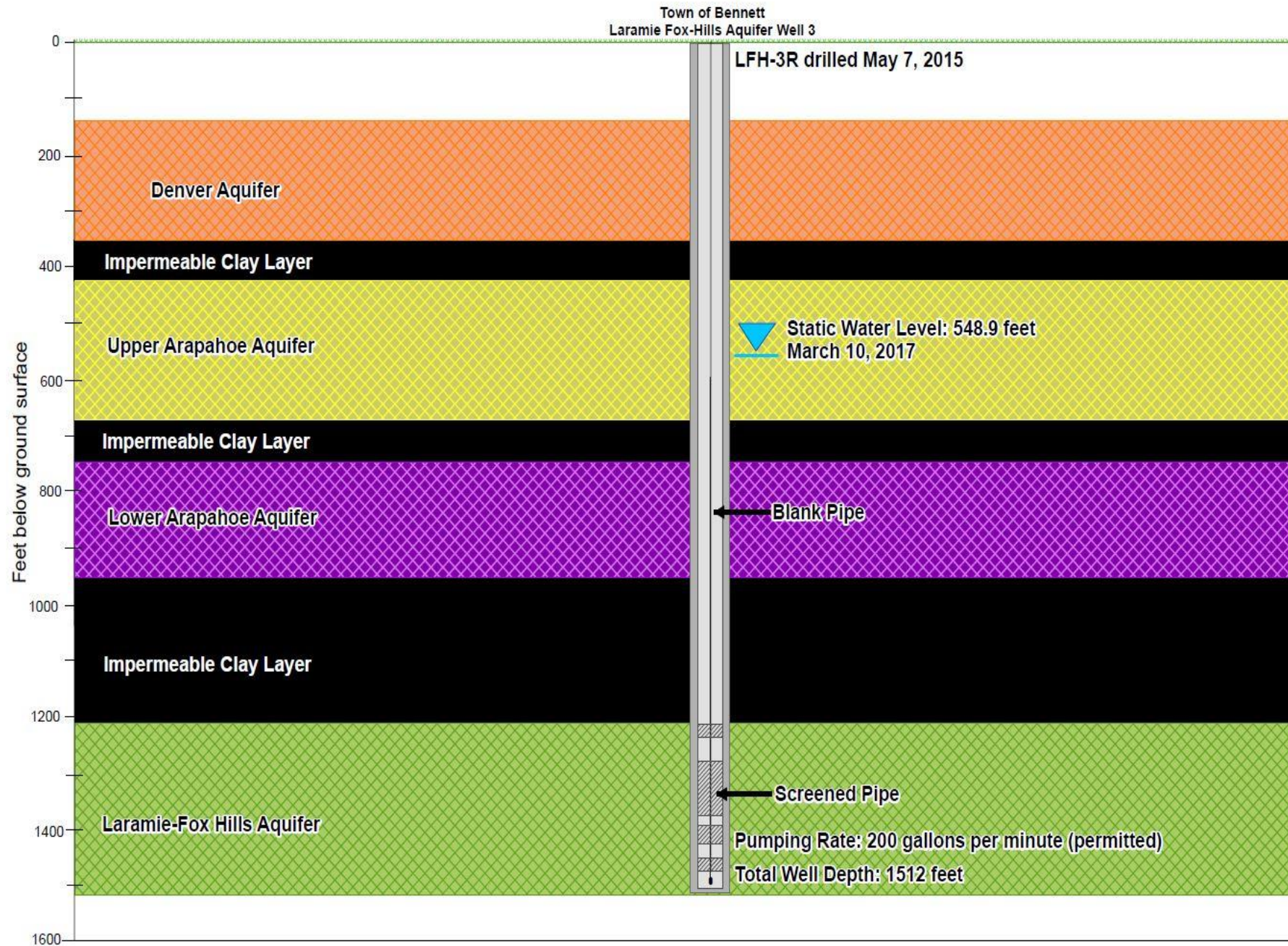
Adapted from: Hydrologic Investigations Atlas HA-659,  
Sheet 1, Figure 2, S.G. Robson, 1983





# Denver Basin Aquifer Wells

Note: Figure not drawn to scale.  
Depths are based on DWR database for area.





# Renewable



**BennT Creek  
Regional Water  
Authority**





# Re-use



# Community Development

# Community Development Functions

- Building Division
- Code Enforcement
- Animal Control
- Assists Planning & Economic Development

# Building Division

- Building Inspection Services, Plan Reviews, Permits and Subdivision Improvement Tracking
- In house building official
  - Charles Abbott & Associates as a backup
- Electrical Inspections
  - CAA has to do our electrical inspections due to Colorado State requirements
- Permitting
  - Permits
  - Certificate of Occupancies
  - Contractor Licenses
  - Schedules Inspections
- Track Subdivision Improvement Agreements

# Code Enforcement/Animal Control

- Code Enforcement
  - Code complaints regarding weeds, refuse, snow removal and anything to do with keeping the town fairly clean and organized
- Animal Control
  - Animal Complaints
  - Inspects for Chicken/Duck Permits
  - Bite Reports
  - Vicious Complaints
  - Barking
  - Impounds Loose Animals

# Training Opportunities

- Denver Regional Council of Governments (DRCOG)
- Colorado Department of Local Affairs
- Colorado Municipal League (CML)